IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6477 OF 2005

Arun Subrav Kapase ...Applicant
vs.
State of Maharashtra ...Respondent

Mr.A.P.Mundargi with Mr.U.R.Agandsurve for the Applicant
Mr.B.D.Joshi for original complainant
Ms M.H.Mhatre,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 26,2005

P.C.:

1. Heard learned Senior Counsel for the Applicant, learned A.P.P. for State and Shri Joshi for the original complainant. The offence alleged against the Applicant is under Sections 465, 468, 471, 474, 197, 198, 199 and 200 read with Section 34 of the Indian Penal Code.

2. After arguing the matter for some time, the learned A.P.P. states that investigation is still in progress and as of today there is no sufficient material available to connect the Applicant with any non-bailable offence. The learned A.P.P. further stated that if further material becomes available warranting arrest of the Applicant, 72 hours prior notice will be given to the Applicant. In view of the statement made by the learned A.P.P. on instructions of the Investigating Officer, it is not necessary to consider the Application on merits. Hence, Application is disposed of by passing the

following order :

i) In the event the Respondent-State desires to arrest the applicant in connection the private complaint filed by one Babasaheb Narhari Korake in the Court of Judicial Magistrate (F.C.), Barshi, District Solapur, 72 hours prior notice will be given to the Applicant.

ii) It is obvious that if such notice is given to the Applicant, it will be open for the Applicant to file a fresh application for anticipatory bail before the appropriate Court.

iii) All contentions of the parties on merits are kept open.

iv) Parties to act upon an authenticated copy of this order.

JUDGE